

EXHIBIT 13

Transcript of Deposition of Passenger Rashaad Wormack

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER DELVECCHIA, et al.,
Plaintiffs
v.
FRONTIER AIRLINES, INC.,
et al.,
Defendants

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) Case No.
) 2:19-cv-01322-KJD-
) NJK
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REMOTE VIDEOTAPED DEPOSITION OF:
RASHAAD S. WORMACK

DATE: November 9, 2022 (Wednesday)
TIME: 10:03 a.m.
REPORTER: Katherine P. Ford, RPR, CCR
Stenographic Reporter #19867

JOB NUMBER: 893964

MAGNA LEGAL SERVICES
866.624.6221
www.MagnaLS.com

1 A P P E A R A N C E S

2 ALL APPEARANCES REMOTE

3 FOR THE PLAINTIFFS:

4

5 PARK AVENUE LAW LLC
201 Spear Street, Suite 1100
6 San Francisco, California 94105
(434) 531-9569

7

BY: JOHN D. MCKAY, ESQ.
8 Johndmckayatty@gmail.com

9

10 FOR THE DEFENDANTS:

11

12 ADLER MURPHY & MCQUILLEN LLP
20 South Clark Street, Suite 2500
13 Chicago, Illinois 60603
(312) 345-0700

14

BY: BRIAN T. MAYE, ESQ.
15 Bmaye@amm-law.com

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20 Also Present: Miquel Banuelo, Videographer

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I N D E X

EXAMINATION BY:	PAGE
Brian T. Maye, Esq.....	5
John D. McKay, Esq.....	14

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(No exhibits were offered.)

1 P R O C E E D I N G S

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THE VIDEOGRAPHER: We are now on the record. This begins videotape number 1 in the deposition of Rashaad Wormack in the matter of Peter Delvecchia v. Frontier Airlines, Inc., et al in the United States District Court, District of Nevada. Today is November 9, 2022 and the time is 10:03 a.m.

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This deposition is being taken virtually at the request of Adler Murphy & McQuillen LLP. The videographer is Miquel Banuelo of Magna Legal Services and the court reporter is Katherine Ford of Magna Legal Services.

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Will counsel and all parties present state their appearances and whom they represent.

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MR. MAYE: Brian Maye for defendants.

MR. MCKAY: And John McKay for the plaintiffs.

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THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

1 RASHAAD S. WORMACK

2 having been sworn to tell the truth, the whole
3 truth, and nothing but the truth, testified as
4 follows:

5 EXAMINATION

6 BY MR. MAYE:

7 Q. Rashaad, can you state your full
8 name?

9 A. Rashaad Shaquille Wormack.

10 Q. And before we proceed, I just want to
11 give you some suggestions regarding responding and
12 how this is going to proceed to help things go
13 more smoothly. Because there is a court reporter
14 recording us, it's difficult for her to take down
15 your answers or my questions if we're both
16 speaking at the same time, so try to wait until I
17 have finished asking the question before you begin
18 your answer; is that all right?

19 A. That's cool.

20 Q. Okay. And also, when responding, you
21 have to make sure that you verbalize your
22 response, again, because she needs to take down
23 what you're saying. And if you nod or say
24 "uh-huh," it's sometimes hard for her to take
25 down. Understand?

1 A. Gotcha, gotcha.

2 Q. Okay, great. What is your date of
3 birth?

4 A. 5/29/92.

5 Q. And what is your current address?

6 A. It is 3409 Norway Avenue.

7 Q. In what city and state?

8 A. Roanoke, Virginia.

9 Q. And how long have you lived there?

10 A. Just moved here, I want to say about
11 a month and a half ago.

12 Q. Okay. And do you live there with
13 anyone?

14 A. My wife, well, girlfriend.

15 Q. Is that Briana Hays?

16 A. Yes.

17 Q. Okay. And are you currently
18 employed?

19 A. Yes.

20 Q. And where are you employed?

21 A. Home Depot.

22 Q. And where is that located?

23 A. It is on Hershberger, 4609
24 Hershberger.

25 Q. Is that in Roanoke?

1 A. Yes.

2 Q. And do you have any military service?

3 A. No.

4 Q. For the purposes of this deposition,
5 when I refer to the "flight" or the "subject
6 flight" or "that flight," I'm referring to
7 Frontier Flight 2067 from Raleigh-Durham to Las
8 Vegas that departed on March 28, 2019; is that
9 okay?

10 A. Okay.

11 Q. Is it your understanding that that's
12 why we are here today, to talk about that flight?

13 A. Yes, yes.

14 Q. Were you a passenger on that flight?

15 A. Yes, sir.

16 Q. And what was the purpose of your trip
17 to Las Vegas at that time?

18 A. It was a trip. Me and my girlfriend
19 were just having a trip.

20 Q. Okay. So just a leisure trip?

21 A. Yeah.

22 Q. Okay. And you said you were
23 traveling with Briana?

24 A. Yes.

25 Q. At some point during the flight, did

1 you notice any activity across the aisle from you?

2 A. Hmm.

3 Q. Involving a child?

4 A. I seen it, but I don't really know
5 what quite happened. I just -- just, they came
6 and got him, took him to the back, and then that
7 was all that I seen, really.

8 Q. When you say "they" -- was the child
9 directly across the aisle from you?

10 A. Yeah, kind of sort of. They was -- I
11 ain't going to say directly across, but they was
12 like across in front of me, like a seat in front
13 of me, but across here.

14 Q. And what did you see? You mentioned
15 that they took him back. What do you mean by
16 that?

17 A. I just seen the marshal come grab him
18 and just take him back there to the back, that's
19 all. I mean, that's all I see, but I wasn't
20 really focused on it because it wasn't my business
21 either, so...

22 Q. Right. And can you describe what the
23 child looked like? Can you recall what he looked
24 like?

25 A. I want to say it was a younger black

1 kid, a younger black kid, if I'm not mistaken.

2 Q. And do you know or did you observe
3 him traveling with anyone?

4 A. I just seen him right there sitting
5 beside whoever he was sitting beside. They came,
6 asked him to come to the back. That's about it.
7 That's all.

8 Q. Do you recall or can you describe the
9 person who escorted the child back to the rear of
10 the aircraft, if you can remember? Was he
11 Caucasian? Was he African-American? Was it
12 female?

13 A. I want to say he was an
14 African-American male. If I'm -- I can't.
15 Besides that, that's all I can remember.

16 Q. Okay. And at any point during your
17 observing the activities, did you ever see a
18 flight attendant strike any individual seated next
19 to the child?

20 A. No, I don't recall none of that. I
21 don't recall that.

22 Q. Okay. You didn't see anyone, a
23 flight attendant, punch anyone in the head?

24 A. Oh, no, I would definitely remember
25 that. I don't recall that. I don't recall that

1 one.

2 Q. Okay. And do you recall if the
3 flight attendant that escorted the child back to
4 the aircraft, did he treat the child
5 professionally?

6 MR. MCKAY: Objection to the form.

7 BY MR. MAYE:

8 Q. You can go ahead and answer.

9 A. It wasn't like he jerked him up or
10 nothing. He asked him if he could come to the
11 back, do you mind if you wanted to switch seats to
12 the back. That's what -- I believe that's what he
13 asked, but...

14 Q. Okay. And what was the child's
15 reaction? Was the child okay with it?

16 A. I guess. I'm not -- I guess. He
17 had -- I just remember him having headphones on,
18 so... But that's it. I guess so, but...

19 Q. Was the child crying at all or was he
20 acting normally?

21 A. No, he just got up. It was just a
22 normal -- I figured they was just switching seats
23 or something. I didn't know.

24 Q. Okay. Did you hear the flight
25 attendant say anything to the child or any

1 individual sitting near him that you would
2 characterize as racist?

3 MR. MCKAY: Objection to the form.

4 THE WITNESS: I wouldn't remember. I
5 wouldn't remember.

6 BY MR. MAYE:

7 Q. Okay. Did you see the child's father
8 ever go back to the back of the aircraft and talk
9 with anyone about what had happened?

10 A. Hold on, let me think about this. I
11 think he did. I think he did. After -- after --
12 after they got the boy, I wasn't aware -- I wasn't
13 thinking about it no more because I was doing my
14 own thing, but I think so, I think he did. If I
15 recall right, I think he did. I'm not sure. I
16 think so. I think so.

17 Q. Do you recall what the father looked
18 like?

19 A. Older white male.

20 Q. And was he seated next to the child?

21 A. Yeah, yeah.

22 Q. And did you ever see the father rub
23 the child's face or shoulders or back during the
24 flight?

25 A. I was -- I didn't -- I didn't notice

1 nothing until they asked him to stand up, so, or
2 move seats or whatever, so I didn't -- like I
3 said, I was just on the flight until that
4 happened.

5 Q. I understand. I understand.

6 A. I didn't see nothing.

7 Q. Did you ever hear any conversation
8 between the father and any of the flight
9 attendants?

10 A. No, no, I didn't.

11 Q. Did you ever see any interactions
12 between the father and any of the flight
13 attendants regarding what was going on?

14 A. I'm pretty sure they did talk or
15 something, but other than that, I don't -- I don't
16 know. I don't really know. I do -- I mean, when
17 he did come and ask him to move, I believe they
18 was talking then. But other than that, I don't --
19 I don't remember nothing.

20 Q. And when they were talking, was the
21 flight attendant professional-acting toward the
22 father?

23 A. I believe so. I'm not sure. I
24 believe so, though, but I'm not sure.

25 Q. And do you recall what the father's

1 demeanor was at that time, how he was acting
2 toward the flight attendant or how he was reacting
3 to his child being moved?

4 A. Like, why is he being moved. Yeah,
5 the one thing, why is he being moved. But other
6 than that... Like I said, after the situation, I
7 went back to me worrying about myself, so...

8 Q. Okay. Did you ever observe the
9 father -- withdrawn.

10 After the child was escorted to the
11 back of the aircraft, did the child -- did the
12 father return to his seat?

13 A. Yes.

14 Q. And did you observe him, what he was
15 doing? Did he go back to sleep? Was he reading?
16 Did you --

17 A. I'm not too sure because I ended up
18 falling asleep myself.

19 Q. Okay. Okay. At any point during the
20 flight, did you see any flight attendant punch the
21 father in the head?

22 MR. MCKAY: Objection to the form.

23 Asked and answered.

24 THE WITNESS: I did not see -- I,
25 myself, did not see nothing like that.

1 BY MR. MAYE:

2 Q. Did you ever see any of the flight
3 attendants mistreat the father, treat him poorly?

4 MR. MCKAY: Objection to the form.

5 THE WITNESS: Not that I recall. Not
6 that I recall.

7 BY MR. MAYE:

8 Q. How about the child? Did you ever
9 see any flight attendant mistreat the child or
10 treat him poorly?

11 MR. MCKAY: Objection.

12 THE WITNESS: Not that I recall.

13 Once they moved him to the back, I didn't
14 see him again, so I would not be able to
15 tell you.

16 BY MR. MAYE:

17 Q. Okay. Thanks, Rashaad. I appreciate
18 it. I have no further questions.

19 A. All right, all right.

20 EXAMINATION

21 BY MR. MCKAY:

22 Q. Mr. Wormack, hi, I'm John McKay. I
23 represent the plaintiffs, the gentlemen, the
24 father and his son. So if I understood your
25 testimony correctly, you weren't paying a great

1 deal of attention to what was being said?

2 A. No.

3 Q. Okay. So you didn't hear
4 specifically what anybody said to either the
5 father or the son about why they were moving?

6 A. No, I did not.

7 Q. Okay. And I think you said you just
8 figured they were just switching their seats?

9 A. Yeah, I just -- I didn't know what
10 was going on.

11 Q. Okay. That's all I have. Thank you.

12 A. No problem, no problem.

13 MR. MAYE: I have no further
14 questions.

15 THE WITNESS: All right, all right.

16 THE VIDEOGRAPHER: Does the court
17 reporter need anything else on the record?

18 THE STENOGRAPHER: Just the original
19 to be transcribed?

20 MR. MAYE: I will take an E-Tran.

21 THE STENOGRAPHER: And would you like
22 a copy, Mr. McKay?

23 MR. MCKAY: Yes, just a PDF, please.
24 That's all I need.

25 THE VIDEOGRAPHER: Going off the

1 record 10:17 a.m.

2 (Deposition concluded 10:17 a.m.)

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WITNESS SIGNATURE PAGE

I hereby certify that I have read my deposition, and made those changes and/or corrections I deem necessary, and approve the same as now written.

Executed this _____ day of _____, 2022.

By:

RASHAAD S. WORMACK

1 C E R T I F I C A T E

2 COMMONWEALTH OF VIRGINIA

3 COUNTY OF ROANOKE

4 I, Katherine P. Ford, Registered
5 Professional Reporter, the officer before whom the
6 foregoing proceedings were taken, do hereby
7 certify that the foregoing transcript is a true
8 and correct record of the proceedings; that said
9 proceedings were taken by me stenographically and
10 thereafter reduced to typewriting under my
11 supervision; that reading and signing was
12 requested; and that I am neither counsel for,
13 related to, nor employed by any of the parties to
14 this case and have no interest, financial or
15 otherwise, in its outcome.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my notarial seal this 14th day of
18 November, 2022.

19

20

Katherine P. Ford

21 My commission expires February 28, 2023.

22 Notary Public No. 166385

23

24

25



1 ERRATA SHEET

2 DEPOSITION OF: RASHAAD S. WORMACK

3 CASE: Delvecchia v Frontier Airlines

4 DATE TAKEN: November 9, 2022

5 REPORTER: Katherine Ford, RPR

6 I have read the foregoing deposition and I wish to
7 make the following changes:

8	PAGE	LINE	CHANGE	REASON
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Katherine D. Ford

<p>A</p> <p>a.m 1:20 4:10 16:1,2</p> <p>able 14:14</p> <p>acting 10:20 13:1</p> <p>activities 9:17</p> <p>activity 8:1</p> <p>address 6:5</p> <p>Adler 2:12 4:12</p> <p>affixed 18:17</p> <p>African-American 9:11,14</p> <p>ago 6:11</p> <p>ahead 10:8</p> <p>ain't 8:11</p> <p>aircraft 9:10 10:4 11:8 13:11</p> <p>Airlines 1:9 4:7 19:3</p> <p>aisle 8:1,9</p> <p>al 1:6,9 4:7</p> <p>and/or 17:4</p> <p>answer 5:18 10:8</p> <p>answered 13:23</p> <p>answers 5:15</p> <p>anybody 15:4</p> <p>appearances 2:2 4:18</p>	<p>appreciate 14:17</p> <p>approve 17:5</p> <p>asked 9:6 10:10,13 12:1 13:23</p> <p>asking 5:17</p> <p>asleep 13:18</p> <p>attendant 9:18,23 10:3,25 12:21 13:2,20 14:9</p> <p>attendants 12:9,13 14:3</p> <p>attention 15:1</p> <p>Avenue 2:5 6:6</p> <p>aware 11:12</p> <p>B</p> <p>back 8:6,15,18,18 9:6,9 10:3,11,12 11:8,8 11:23 13:7,11,15 14:13</p> <p>Banuelo 2:20 4:14</p> <p>begins 4:4</p> <p>believe 10:12 12:17,23,24</p> <p>birth 6:3</p> <p>black 8:25 9:1</p> <p>Bmaye@amm-law.... 2:15</p> <p>boy 11:12</p> <p>Brian</p>	<p>2:14 3:4 4:20</p> <p>Briana 6:15 7:23</p> <p>business 8:20</p> <p>C</p> <p>C 2:1 4:1 18:1,1</p> <p>California 2:6</p> <p>case 1:8 18:14 19:3</p> <p>Caucasian 9:11</p> <p>CCR 1:21</p> <p>certify 17:3 18:7</p> <p>CHANGE 19:8</p> <p>changes 17:4 19:7</p> <p>characterize 11:2</p> <p>Chicago 2:13</p> <p>child 8:3,8,23 9:9,19 10:3 10:4,15,19,25 11:20 13:3,10,11 14:8,9</p> <p>child's 10:14 11:7,23</p> <p>city 6:7</p> <p>Clark 2:12</p> <p>come 8:17 9:6 10:10 12:17</p> <p>commission 18:21</p> <p>COMMONWEAL... 18:2</p> <p>concluded 16:2</p> <p>conversation</p>	<p>12:7</p> <p>cool 5:19</p> <p>copy 15:22</p> <p>correct 18:8</p> <p>corrections 17:5</p> <p>correctly 14:25</p> <p>counsel 4:17 18:12</p> <p>COUNTY 18:3</p> <p>court 1:1 4:8,15,23 5:13 15:16</p> <p>crying 10:19</p> <p>current 6:5</p> <p>currently 6:17</p> <p>D</p> <p>D 2:7 3:1,5 4:1</p> <p>date 1:19 6:2 19:4</p> <p>day 17:7 18:17</p> <p>deal 15:1</p> <p>deem 17:5</p> <p>defendants 1:10 2:10 4:20</p> <p>definitely 9:24</p> <p>Delvecchia 1:6 4:6 19:3</p> <p>demeanor 13:1</p> <p>departed 7:8</p>
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